

## CANONS

### ANGLICAN DIOCESE OF SAN JOAQUIN

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# THE CANONS

## TITLE I – The Convention

### Canon I – Election of a Bishop

- Sec. 1.01** Whenever, in the Providence of God, it may be necessary to choose a Bishop, the call for an electing convention shall be made by resolution of the Standing Committee, which shall first seek approval to hold an election from the Anglican Church in North America (ACNA) College of Bishops, and then shall give, through its Secretary, notice of the electing convention to all Clergy and congregations of the Diocese. Following such call to election, a Nominations Committee shall be composed by electing one (1) cleric and one (1) member of the laity from each deanery. In addition, the Ecclesiastical Authority may appoint one member. The organization and operation of the Nominations Committee shall be determined by the members. The prayers of the Clergy and Laity shall be bidden, that God may supply a Pastor after His own heart.
- Sec. 1.02** The election of a Bishop shall be made in either the Annual or a Special meeting of the Convention called for that purpose. One hundred and fifty (150) days' notice of the electing convention shall be given to the Diocese by the Secretary of the Standing Committee, through the Secretary of Convention. The Secretary of the Standing Committee shall also make a request for nominations through the Secretary of Convention. The mode of notice shall be consistent with the manner prescribed by Article V, Section 3, of the Constitution.
- Sec. 1.03** Once the notice of the electing convention has been made, members of the Diocese, both clergy and lay, may submit nominations to be considered by the Nominations Committee, in a manner prescribed by the Committee, within 30 days of the date of the notice.
- Sec. 1.04** It is the duty of the Nominations Committee to determine an initial slate of no less than three (3) and no more than five (5) qualified members of the clergy as candidates for the election. This Initial Slate of Candidates must be published a minimum of ninety (90) days prior to the election. The mode of notice shall be in the same manner as the Notice of electing convention.
- Sec. 1.05** After the Initial Slate of Candidates is published, additional nominations may be submitted to the Nominations Committee for 30 days from the date of publication of the Initial Slate of Candidates. These nominations must be made in writing and signed by eight (8) members of the Convention representing at

least four (4) congregations eligible to vote in Convention. The Nominations Committee shall be responsible to subject each additional nominee to the same clearances required of the initial nominees. Each additional nominee that passes the clearances shall be added the Final Slate of Candidates, which shall be published no later than forty-five (45) days prior to the election. The mode of notice shall be in the same manner as the Notice of electing convention.

**Sec. 1.06** Once the Final Slate of Candidates is determined, the Nominations Committee will then coordinate and publicize pre-election opportunities for the candidates to visit congregations of the Diocese and make presentations for the benefit of the delegates.

**Sec. 1.07** Any Convention where an election of a Bishop is to be held shall open with Divine service. When the Convention has been called to order by its President, prayers shall be offered, together with the reading of appropriate lessons of Holy Scripture, after which, the Final Slate of Candidates having been announced and tellers having been appointed, the Convention shall proceed to ballot.

**Sec. 1.08** If two-thirds of all the Clergy entitled to vote be present, and two-thirds of all the congregations entitled to vote be represented, then a majority of each order present shall determine a choice. If such two-thirds of the Clergy and congregations in union with Convention be not present, then two-thirds of the votes in each order present shall be necessary to determine a choice. The vote of the Clergy and the Laity shall be taken separately, and a concurrence of the majority of the votes cast in each order shall be required to constitute an election. If there be no election, subsequent ballots may be taken until, by God's Holy Spirit, a Bishop be duly chosen and declared elected. The electing body from the Diocese shall certify the election of a Bishop for consent by the College of Bishops, in accordance with the Canons of the ACNA.

## **Canon II – Members of Convention**

**Sec. 2.01** One (1) week before the meeting of any Convention of the Diocese, the Ecclesiastical Authority shall prepare a list of all the Clergy of the Church canonically resident in the Diocese, together with their respective cures and domiciles. Such list shall be laid before the Convention at the opening of the meeting and prefixed to the Journal. In the said list shall be declared the names of those Clergymen entitled to seats and votes in the Convention and such declaration shall be taken as presumptive evidence of the right of those indicated to seats and votes in the Convention. All Clergy licensed by the Ecclesiastical Authority to officiate in the Diocese but not canonically resident shall be entitled to seat and voice without vote.

**Sec. 2.02** (a) Lay Delegates and Alternates to Convention shall be communicants in good standing and be elected by the congregation or, should the congregation fail to elect, by the Vestry, and their appointment shall be certified by the Chairman and Secretary of the meeting at which they were elected, on forms provided by the Secretary of Convention for that purpose. For Annual Conventions the list of Delegates' and Alternates' names and addresses shall be forwarded to the diocesan office by July 1, and for Special Conventions at least twenty-one (21) days prior to the time appointed for the meeting. A copy of this list shall be forwarded to the Secretary of Convention and the appropriate Rural Dean. Said list shall be presumptive evidence of the right to seat, voice, and vote of Lay Delegates in the Convention named therein. Thereafter, a copy of this list shall be available to those who request it.

(b) The following definitions pertaining to any use of "Communicant" shall apply throughout these Canons:

- (1) **Definition of Communicant:** All members of this Church who have received Holy Communion in this Church at least three times during the preceding year and who uphold the Doctrine and Discipline of this Province are to be considered communicants of this Church.
- (2) **Definition of Adult Communicant:** All communicants 18 years old or older are considered Adult Communicants of this Church.
- (3) **Definition of Communicant in Good Standing:** All communicants of this Church who for the previous year have been faithful in corporate worship, unless for good cause prevented, and have been faithful in working, praying, and giving for the spread of the Kingdom of God, are to be considered communicants in good standing.

**Sec. 2.03** All congregations shall be entitled to the following representation, based upon the latest available annual parochial report:

1	-	75	average Sunday attendance	2 delegates
76	-	125	average Sunday attendance	3 delegates
126	-	200	average Sunday attendance	4 delegates
201	-	350	average Sunday attendance	5 delegates
351	-	500	average Sunday attendance	6 delegates
501	-	700	average Sunday attendance	7 delegates
over		700	average Sunday attendance	8 delegates

**Sec. 2.04** Alternate Delegates to Convention shall be seated in the absence of the regular appointees in the order in which their names appear on the certificates as described in Sec. 2.02 herein. This order is normally determined by the greater number of votes received at the time of election.

**Sec. 2.05** When the right of any person to a seat in Convention is disputed or the right of any congregation to representation therein, the matter shall be referred to the Bishop, or the Ecclesiastical Authority in the absence of the Bishop..

### **Canon III – Quorum and Members**

**Sec. 3.01** A quorum shall consist of one-third (1/3) of all the Clergy entitled to seats and votes, together with at least one (1) Lay Delegate from each of one-third of all the congregations entitled to representation. If a quorum be not present at any Convention, no business shall be transacted except that of adjournment from time to time until a quorum shall be present.

### **Canon IV – Chairman of the Convention**

**Sec. 4.01** The Bishop shall, ex officio, be the President and Presiding Officer of the Convention.

**Sec. 4.02** Chairman

(a) At each Annual Convention, the Presiding Officer may appoint a Chairman who shall hold office from the close of the Convention until the close of the following Annual Convention, and may chair such following Annual Convention and any Special Convention which may be held during such term; provided, however, that the Presiding Officer may choose to chair the Convention at any time.

(b) The appointed Chairman shall be either a Cleric who is a member of the Convention or a Lay Person who is an adult communicant in good standing of a congregation in union with the Convention of the Diocese.

### **Canon V—Regular Committees of Convention**

**Sec. 5.01** The Bishop or other Presiding Officer shall create and appoint such Committees of Convention as are necessary to its purposes and responsibilities. The Committees of Convention may include, but not be limited to the following:

- (1) A Committee on Arrangements of Convention
- (2) A Committee on Nominations--The Committee shall request from the

Clergy and Vestries the names, parochial connection, qualifications, and availability of potential candidates for the assistance of the Committee in preparing nominations for all offices to be filled. All such names shall be presented to the Committee not less than forty-five (45) days before the Convention. The Committee may nominate candidates if no other nominations are received for a particular office. The report of the Committee shall be presented to each congregation as soon as possible before the Convention. This procedure shall not preclude further nominations from the floor of Convention, nor does it imply that all names submitted will be accepted by the Committee as nominees.

- (3) A Committee on Resolutions--The Committee shall receive all proposed resolutions not less than sixty (60) days before the Convention. The report of the Committee shall be presented prior to the Convention and shall include the Committee's recommendations. Resolutions from the floor shall be introduced by title and resolve clause and shall require a two-thirds majority approval before hearing and consideration.
- (4) A Committee on Admission of Congregations
- (5) A Committee on Constitution and Canons

## **Canon VI – Order of Business**

**Sec. 6.01** Each Annual Convention shall open with Divine Service, following which the procedure shall be:

- (1) The call to order
- (2) The appointment of a Secretary
- (3) The taking of the roll, or the announcement of the Secretary that it has been done
- (4) The declaration, if a quorum be present, that Convention is organized for business
- (5) The appointment of regular Committees of Convention and their ratification by Convention
- (6) The admission to seats by resolution
- (7) The Report of the Committee on Nominations and nominations from the floor

**Sec. 6.02** The remaining order of business shall be determined by Convention, acting on the recommendations of the President or of the Committee on the Dispatch

of Business or on a resolution from the floor.

**Sec. 6.03** Unless otherwise specified in the Constitution or Canons of the Diocese, the procedure of Convention shall be governed by *Robert's Rules of Order*, latest revision.

### **Canon VII -- Elections**

**Sec. 7.01** The Convention shall vote as one body in all elections unless there is a call for a vote by orders.

**Sec. 7.02** Nominations for all offices to be filled by election shall be made after the opening procedures provided in Sec. 6.01. When the nominations are closed the Secretary shall prepare ballots on which shall be listed the nominees in the order of their nominations along with the offices for which they have been nominated. If only one qualified person is nominated for a position, then a vote by voting card may be taken.

**Sec. 7.03** The President shall appoint tellers and the polls shall be opened at the direction of the President in a convenient place. When the period for voting shall have expired, the President shall declare the polls closed.

**Sec. 7.04** The Secretary shall provide a corrected voting list on which each voter shall be checked as he casts his ballot. The ballots shall be deposited in boxes provided for the purpose. The right of any person to vote, if disputed, shall be referred to the Bishop, or the Ecclesiastical Authority in the absence of the Bishop, and the subsequent decision, made after consulting the Secretary's record, shall be final.

**Sec. 7.05** The tellers shall canvass the election on a tally sheet provided and shall return the same to the Chair, together with all the ballots cast, in making their report. Any doubtful ballot shall be referred to the Chair before it is counted and his decision shall be final. If a ballot be not counted, the reason therefor shall be endorsed on the back.

**Sec. 7.06** (a) The Annual Convention of the Diocese may elect both Clerical and Lay Representatives to serve as Delegates to any extra-diocesan convention, synod, or meeting which may be authorized by the Bishop and Standing Committee.

(b) At the same Diocesan Convention there shall be chosen Alternate Delegates, to serve in place of any Delegate unable to serve.

(c) The number of Delegates and Alternates shall be determined by the

Convention with the approval of the Ecclesiastical Authority.

(d) If any elected Delegates or Alternates be unable to serve, the Ecclesiastical Authority shall fill the vacancy by appointment.

(e) If representation should be required between Conventions, the Standing Committee and Bishop may make interim appointments.

(f) In all other elections anyone receiving a majority of votes, or in case of a vote by orders, a majority of both orders, shall be deemed elected. If more than the required number to be elected to any office receive a majority vote, the candidates receiving the most votes, or if the vote be by orders the largest vote in each order, shall be declared elected. If by reason of a tie it be impossible to decide which candidates for any office are elected, or if the entire number to be elected be not chosen on the first ballot, subsequent ballots shall be taken until the choice of Convention is clear.

**Sec. 7.07** At the close of the Convention all ballots cast shall be sealed in envelopes properly endorsed and shall be preserved by the Secretary until the next Annual Convention. The envelopes shall not be opened unless the canvass be questioned. Upon the written request of two (2) Clergy and two (2) Lay delegates, addressed to the Ecclesiastical Authority, the Standing Committee and the Secretary of Convention shall recanvas the ballots in the presence of the Ecclesiastical Authority; and their decision shall be final.

**Sec. 7.08** Any contingency in elections not met by the foregoing sections shall be determined by resolution of Convention.

## **TITLE II – Officers of the Diocese**

### **Canon VIII – The Standing Committee**

**Sec. 8.01** There shall be a Standing Committee consisting of the Bishop of the Diocese, the Bishop Coadjutor or Suffragan Bishop if there be such, and twelve (12) other members, six (6) of whom shall be presbyters and/or deacons, and six (6) of whom shall be confirmed adult lay communicants in good standing within the Diocese. In addition, the Canon to the Ordinary, if there be such, shall be an ex officio member with seat and voice. Upon the advice and consent of the Committee, the Bishop may add ex officio members with seat and voice. The Committee shall elect from its members a Vice President and a Secretary.

**Sec. 8.02** Deanery Members of the Standing Committee. At each annual

Convention of the Diocese or appropriate pre-convention meeting there shall be elected one (1) presbyter and/or deacon from each of two Deaneries. There also shall be elected one adult lay communicant in good standing from each of two other Deaneries. This procedure shall continue annually with four Deaneries electing each year so as to achieve the goal of one (1) clerical and one lay member from each of the six Deaneries, a total of twelve (12) members. Terms of these offices shall be three (3) years. No elected member of the Committee whose full term of office has expired shall be eligible for re-election for a period of one year thereafter. A member appointed for less than a full term may be eligible to be re-elected to a full term. The Secretary of Convention shall declare in the Official Notification of Convention as to those Deaneries which are to elect in a given year.

**Sec. 8.03** Adequate provision shall be made during either the pre-Convention meeting of the Deanery or the Diocesan Convention for each electing Deanery to vote for its member of the Standing Committee.

**Sec. 8.04** The Standing Committee shall act for the Convention in the interim between its meetings as specified by the Constitution of this Diocese. It shall carry out the instructions of Convention and perform other such duties as may be delegated to it by the Canons. Its acts shall be binding upon the Diocese unless modified by the Convention. The Standing Committee shall be charged with the collection, disbursement, and disposal of all income received or held by it for any purpose. Subcommittees, as may be necessary or desirable, may be formed so that the Standing Committee may carry out its work. The powers, functions, and duties of the Standing Committee shall include those prescribed by the Constitution and Canons of the Province and of this Diocese.

**Sec. 8.05** (a) The Standing Committee shall meet not less than five (5) times each year and at other such times as the Bishop shall convene it. Special meetings may be called upon the written request of any three (3) members. A majority of the voting members shall constitute a quorum. Recognizing the desirability of having members present to participate and communicate with one another during meetings, meetings may also be held by conference telephone, video screen communication, or other communications equipment. Participation in a meeting under this provision shall constitute presence in person at the meeting if all of the following apply:

- (1) Each member participating in the meeting can communicate concurrently with all other members.
- (2) Each member is provided the means of participating in all matters before the Committee, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Committee.

(3) The Committee has adopted and implemented a means of verifying both of the following:

- (i) A person participating in the meeting is a member of the Standing Committee or other person entitled to participate in the meeting.
- (ii) All actions of or votes by the Standing Committee are taken or cast only by the voting members and not by persons who are not members of the Committee.

(b) In addition any action that the Standing Committee is required or permitted to take may be taken without a meeting if all members consent in writing to the action. Such action by written consent shall have the same force and effect as any other validly approved Standing Committee action. All such consents shall be filed with the minutes of the proceedings of the Standing Committee.

**Sec. 8.06** The Standing Committee shall submit to each Annual Convention a proposed balanced budget reflecting revenue and expenditures. Revenue shall be limited to Diocesan tithes. A copy of the proposed budget shall be distributed to each congregation at least sixty (60) days before the Annual Convention.

**Sec. 8.07** The Secretary of the Standing Committee shall report to the Committee any member who shall have absented himself without excuse, satisfactory to the Committee, for three (3) consecutive meetings, whereupon such office shall be declared vacant. Should any vacancy occur in the Committee through death, resignation, unexcused absence, or through any other cause, the Committee shall fill the vacancy by election of a qualified person to serve until a successor or successors is or are elected at the next annual Diocesan Convention, who shall serve the balance of any unexpired term. The name of any person so elected or appointed to fill any vacancy shall be immediately certified to the Secretary of Convention.

**Sec. 8.08** The Standing Committee may require from congregations and diocesan institutions such reports as it shall from time to time deem necessary.

**Sec. 8.09** The Standing Committee through its officers shall make a full written report of its official acts to each Annual Convention.

**Sec. 8.10** Policies and Procedures:

(a) Standing Committee shall provide written Policy and Procedures to govern those matters related to diocesan governance not currently addressed by either the Diocesan Canons or the Provincial Canons. These policies and procedures shall not be in conflict with the Diocesan Constitution or Canons, nor with the Provincial Constitution or Canons.

(b) Committees and commissions of the diocese shall submit their recommended policies and procedures to Standing Committee.

(c) All policies and procedures shall be published to the Congregations and Clergy of the diocese for 60 days prior to adoption.

(d) Standing Committee shall publish the Policy and Procedures of the Diocese no later than 60 days prior to the annual Diocesan Convention.

**Sec. 8.11** (a) To the fullest extent permitted by law, the Diocese of San Joaquin shall indemnify its directors, officers, employees, agents, and volunteers, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any “proceeding,” as that term is used in that Section, and including any action by or in the name of this entity, by reason of the fact that the person is or was a person described in that Section. “Expenses,” as used in this Canon, shall include without limitation attorneys’ fees and any expenses of establishing a right to indemnification under this Section.

(b) On a written request to the Standing Committee by any person seeking indemnification under, this section, the Committee shall promptly determine whether the applicable standard of conduct set forth in subdivision (c) herein, has been met and, if so, the Committee shall authorize indemnification.

(c) The Diocese of San Joaquin shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding by reason of the fact that the person is or was an agent of the corporation, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with the proceeding if the person acted in good faith and in a manner the person believed to be in the best interests of the Diocese and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of the person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person believed to be in the best interests of the Diocese or that the person had reasonable cause to believe that the person’s conduct was unlawful.

(d) The Diocese of San Joaquin shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action by or in the right of the Diocese, to procure a judgment in its favor by reason of the fact that the person is or was an agent of the corporation, against expenses actually and reasonably incurred by the person in connection with the defense or settlement of the action if the person acted in good faith, in a manner in

which the person believed to be in the best interests of the Diocese and with that care, including reasonable inquiry, as an ordinary prudent person in a like position would use under similar circumstances. No indemnification shall be made under this subdivision:

- (1) In respect of any claim, issue, or matter as to which the person shall have been adjudged to be liable to the Diocese in the performance of the person's duty to the Diocese, unless and only to the extent that the court in which the proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnity for the expenses which the court shall determine;
  - (2) Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or
  - (3) Of expenses incurred in defending a threatened or pending action which is settled or otherwise disposed of without court approval.
- (e) To the extent that an agent of a Diocese has been successful on the merits in defense of any proceeding referred to in subdivision (c) or (d) or in defense of any claim, issue or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.
- (f) Except as provided in subdivision (e), any indemnification under this Section shall be made by the Diocese only if authorized in the specific case, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in either subdivision (c) or (d) by:
- (1) A majority vote of a quorum consisting of the members of the Diocesan Standing Committee who are not parties to the proceeding; or,
  - (2) The court in which the proceeding is or was pending upon application made by the Diocese or the agent or the attorney or other person rendering services in connection with the defense, whether or not the application by the agent, attorney, or other person is opposed by the Diocese.
- (g) Expenses incurred in defending any proceeding may be advanced by the Diocese prior to the final disposition of the proceeding upon receipt of an undertaking by or on behalf of the agent to repay the amount unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this section.
- (h) No provision made by the Diocese to indemnify its directors, officers,

employees, agents, and volunteers for the defense of any proceeding, whether contained in the constitution or canons shall be valid unless consistent with this Section. Nothing contained in this Section shall affect any right to indemnification to which persons other than the directors and officers may be entitled by contract or otherwise.

(i) No indemnification or advance shall be made under this section, except as provided in subdivision (e) or paragraph (2) of subdivision (f), in any circumstance where it appears that:

- (1) It would be inconsistent with a provision of the constitution or canons in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or
- (2) It would be inconsistent with any condition expressly imposed by a court in approving a settlement.

(j) A Diocese of San Joaquin shall have power to purchase and maintain insurance on behalf of any agent of the Diocese against any liability asserted against or incurred by the agent in that capacity or arising out of the agent's status as such whether or not the Diocese would have the power to indemnify the agent against that liability under the provisions of this section.

### **Canon IX – Commission on Ministry**

**Sec. 9.01** There shall be a Commission on Ministry which shall advise the Bishop concerning the guidance, pastoral care and continuing education of Candidates and Postulants for Holy Orders.

**Sec. 9.02** The Commission shall be composed of eight (8) persons who shall serve for a term of office of four (4) years each. Four (4) shall be Presbyters and or Deacons, and four (4) shall be confirmed adult lay communicants in good standing who shall be appointed by the Bishop and approved by the Annual Convention. One (1) Presbyter and or Deacon and one (1) confirmed adult lay communicant in good standing shall be appointed by the Bishop at each Annual Convention. No person shall be eligible for re-appointment until one (1) year shall have elapsed from the end of the four-year term.

**Sec. 9.03** Should vacancies occur in the Commission, the Bishop shall appoint replacements with the advice and consent of the Standing Committee. The person or persons so appointed and ratified shall serve for the unexpired term of the member creating such vacancy.

**Sec. 9.04** The Commission shall make an annual report of its activities to each Annual Convention with due respect to necessary confidentiality.

### **Canon X – The Secretary of the Diocese**

**Sec. 10.01** In addition to the duties prescribed by the Convention and elsewhere in these Canons, the Secretary of the Diocese shall record minutes of the proceedings of the Convention, which when certified, shall be entered in the Journal. He shall send to the Registrar-Historiographer a copy of the Journal of Convention.

**Sec. 10.02** It shall also be his duty to ensure that all Journals of this Diocese are faithfully preserved or turned over to his successor. He shall provide for proper distribution of the Journal as may be required.

### **Canon XI – The Treasurer of the Diocese**

**Sec. 11.01** A treasurer shall be appointed annually by the Ecclesiastical Authority with the consent of the Standing Committee. The Treasurer of the Diocese shall have custody of all funds belonging to the Diocese including those vested in the Corporation Sole, and shall invest and disburse them only as instructed by the Canonical Authorities. Subject to the approval of the Standing Committee the Treasurer may nominate a salaried Assistant who may be authorized to sign checks for budgeted administrative needs.

**Sec. 11.02** The Treasurer shall make, through the Standing Committee, a complete report to each Annual Convention. Such report shall be audited by a method approved by the Standing Committee.

**Sec. 11.03** In addition to the responsibilities specified in these Canons, the Treasurer shall perform such other duties, in such manner as may be prescribed by the Standing Committee or Convention.

**Sec. 11.04** The Treasurer shall be bonded in an amount to be determined annually by the Standing Committee and shall be fully relieved of all future responsibilities under the provision of his bond and duties of office when he has transferred and placed with the designated officer of the Anglican Diocese Holding Corporation of the Anglican Diocese of San Joaquin all such monies or funds in his hands that have been allocated to said Trust and has received in return a Trust Certificate of Beneficial Interest in the equivalent amount.

**Sec. 11.05** When not a delegate to the Convention the Treasurer shall, ex officio, be entitled to seat and voice in the Convention, but not to a vote. The Treasurer shall present at each Annual Convention a written statement of his account with the several funds of the Diocese for the previous year. He shall close his several accounts as of December 31st of each year

### **Canon XII – The Registrar-Historiographer**

**Sec. 12.01** A Registrar-Historiographer may be appointed by the Bishop for a term not to exceed three (3) years, and thereafter may be reappointed at the Bishop's discretion. The duties of the Registrar-Historiographer shall be those prescribed by the Canons of this Diocese together with such duties as may devolve upon him by the Bishop or by resolution of the Convention.

**Sec. 12.02** It shall be the duty of the Registrar-Historiographer to collect, prepare, and preserve all special, historical, and biographical matter, printed or manuscript, pertaining to the Diocese, its congregations, or other Institutions; as well as to formulate procedures, forms, and other means of recording and maintaining sacramental congregation records, with the approval of the Bishop.

**Sec. 12.03** The Registrar-Historiographer shall, with the approval of the Bishop, have authority to appoint assistants, who may be members of the Clergy or the Laity.

**Sec. 12.04** It shall be the duty of the Registrar-Historiographer to present a full report to each Annual Convention.

### **Canon XIII – Diocesan Departments and Commissions**

**Sec. 13.01** The Bishop, in consultation with the Standing Committee, shall establish and appoint such Diocesan Departments and Commissions as may be required by the Canons of this Diocese and may establish and appoint such other Departments and Commissions deemed necessary and useful to the mission of the Diocese.

### **Canon XIV – Official Records Open to Inspection**

**Sec. 14.01** The records of the Secretary, the Registrar-Historiographer, and the books of the Treasurer shall at all times be open to the inspection of the Bishop or the Standing Committee.

## **TITLE III – Organization of the Diocese**

### **Canon XV – Canon to the Ordinary and Deaneries**

- Sec. 15.01** A Canon to the Ordinary may be appointed by the Bishop, and shall perform such duties as the Bishop may assign, including that of General Missionary under the Bishop, and his tenure shall be at the Bishop's pleasure. He shall be an ex officio member of the Standing Committee, and of each Deanery with seat and voice.
- Sec. 15.02** To promote missionary efficiency and inter-parochial cooperation, the Diocese may be divided by the Bishop into Deaneries. The Bishop may appoint a Rural Dean for each Deanery. The Dean shall preside at Deanery meetings and shall perform such other duties as the Bishop may assign.
- Sec. 15.03** At a time reasonable and convenient prior to the regular annual meeting of the Diocesan Convention, each Rural Dean shall call for a pre-Convention meeting of his respective Deanery to be held within the Deanery. Composition of the membership of the Deanery pre-Convention meeting shall be as provided in Section 15.04. As part of the business of such meeting, the election of the Deanery's representative to Standing Committee may be held when appropriate.
- Sec. 15.04** At meetings of each Deanery, all Clergy canonically resident in the diocese and officially functioning or domiciled within the Deanery shall have a seat and vote therein, and each congregation within the Deanery shall be entitled to Lay representation who shall be the elected delegates of each congregation. No Deanery may allow greater proportional Lay representation in its Deanery meetings than that provided for the Annual Convention in Canon II, Section 2.03. Attendance of Lay people shall be encouraged at Deanery meetings.

### **Canon XVI – The Cathedral**

- Sec. 16.01** The Cathedral of the Diocese may be designated by the Bishop with the advice & consent of the Standing Committee.
- Sec. 16.02** The congregation worshipping regularly at the Cathedral shall be subject to all the duties and enjoy all the rights, privileges, and responsibilities accorded to congregations in these Canons.

### **Canon XVII – New Congregations**

- Sec. 17.01** New congregations may be formed only with the consent and under the direction of the Bishop of the Diocese. The Bishop shall have the right to form or

welcome in a congregation at any place where there are a sufficient number of persons requiring the ministrations of the Church and willing to contribute to the maintenance thereof.

- Sec. 17.02** Until such time as a congregation formed under the direction of the Bishop can qualify to be admitted as a congregation in union with the Convention of the Diocese, it shall be conducted as an unorganized congregation and the Bishop may appoint such Ministers, Officers, and Committees as its affairs require.
- Sec. 17.03** Whenever the Bishop shall decide there is an opportunity and need for Church extension within the boundaries of an existing congregation, he may take such means as he deems proper to meet such need, with the advice of the Standing Committee.
- Sec. 17.04** Established Congregations may apply to the Diocesan Convention of the Anglican Diocese of San Joaquin, with the permission of the Bishop, to be accepted as a congregation in union with the Convention of this Diocese and the Bishop of San Joaquin.

### **Canon XVIII – Congregations in Union with Convention**

- Sec. 18.01** A congregation may become in union with Convention through the following manner:
- (a) Application shall be made to the Bishop of the Diocese in the following form:
- "Right Reverend and Dear Sir: We the undersigned, residents of \_\_\_\_\_, County of \_\_\_\_\_, within the Anglican Diocese of San Joaquin, desiring to establish in our midst the regular and permanent Ministrations of the Church and to be numbered with those who share in the fellowship and work of the Convention of said Diocese, do respectfully petition to be received into your spiritual charge and direction to be organized as a congregation in union with the Convention of the Anglican Diocese of San Joaquin, under the name of \_\_\_\_\_.
- "We do severally and collectively promise to provide for the maintenance of said congregation as the Bishop or other canonical authority shall from time to time require, and to work faithfully and harmoniously to promote its influence in our neighborhood.
- "We do severally and collectively promise to work toward the establishment of an adequate compensation for the clergy.

"We promise conformity to the Doctrine, Discipline, and Worship of the Church and to the Constitution and Canons of the Convention of the Anglican Diocese of San Joaquin."

To this petition shall be attached the signatures of 25 members of said congregation who are baptized and of canonical voting age.

(b) If the Bishop approves the establishment of a congregation as a congregation in union with the Convention, he shall give his consent thereto in writing.

(c) The application, together with a copy of the written consent of the Bishop to the organization of the congregation according to the Canons of this Diocese, a copy of the organizing documents and by-laws, a certification and list of all officers of the congregation, and a certificate from the Standing Committee recommending admission of the congregation into union with the Diocese, shall be submitted to the Convention to be accepted into union with Convention. Such documents shall be certified by the Senior Warden and Clerk. Admission into union with Convention is accomplished through a majority vote by orders of Convention.

### **Canon XIX – Congregation Organization**

#### **Sec. 19.01**

(a) The Rector of the congregation shall be a member and the President of the Vestry. The congregation, if incorporated, shall be as the Articles of Incorporation and the Bylaws provide. The Bylaws shall further provide that the Constitution and Canons in the Anglican Diocese of San Joaquin be incorporated in said Bylaws and be a part thereof; and said Bylaws shall provide that in case of conflict, the Constitution and Canons of the Diocese shall prevail. A copy of said Bylaws shall be certified by the Secretary or Clerk and shall be kept on file by the Registrar-Historiographer of the Diocese.

(b) All property of an incorporated congregation is irrevocably dedicated for religious (education, health and welfare) purposes, and upon the complete dissolution of the operation and the non-functioning of the congregation, all residual properties, investments and assets shall be conveyed to the Anglican Diocese Holding Corporation, to be held in trust by it or to be disposed of at its discretion.

**Sec. 19.02** There shall be an annual congregation meeting for the election of Vestry members and the transaction of other business held in each congregation after November 1st and before January 31st. Notice of the annual meeting shall be given during Divine Service on the Sunday preceding the date appointed and on the Sunday following names of the Vestry members elected and the nature of the

business transacted shall be announced. The annual meeting shall be called by the Clergy-in-Charge, or in the case of his incapacity, or if there be none, by the Vestry.

- Sec. 19.03** Special congregation meetings may be held at any time at the call of the Clergy-in-Charge, or if there be no incumbent, at the call of the Bishop or Senior Warden, PROVIDED notice of the meeting and of the nature of the business to be transacted be announced during Divine Service on the Sunday at least one (1) week previous to the date appointed for the meeting. The nature of the business transacted shall be announced on the Sunday following the meeting.
- Sec. 19.04** (a) All elections of Vestry members shall be by ballot. Every adult lay communicant in good standing shall be entitled to vote.
- (b) At the request of three (3) adult lay communicants a voting list shall be prepared, certified by the Clergy-in-Charge and the Treasurer of the congregation, and none shall be allowed to vote save those whose names are on such voting list.
- Sec. 19.05** The ballots cast for the election of Vestry members shall be preserved together with the report of the tellers and the voting list, if there be one, until the next annual meeting and shall be open only to the Ecclesiastical Authority.
- Sec. 19.06** Any question of procedure in the meetings or the election not covered by these Canons shall be decided by the majority vote of the members present, but should canvass of an election be questioned after the close of the meeting, it shall be referred for decision to the Bishop acting with the advice of the Standing Committee of the Diocese.
- Sec. 19.07** Should any congregation desire to have boundaries established, the Clergy in charge may make application to that effect to the Bishop and Standing Committee, setting forth the boundaries desired and the reasons therefore. Any boundaries so established may be changed, modified, or removed, by the Bishop and Standing Committee, or by subsequent application by the congregation, with the approval of the Bishop and Standing Committee.
- Sec. 19.08** With the consent of the Standing Committee and Bishop, any congregation may become incorporated. Thirty (30) days written notice to all Clergy and congregations of the Diocese shall be given prior to the consideration of consent. The articles of incorporation shall be approved by the Chancellor of the Diocese and the Standing Committee.
- Sec. 19.09** No Congregation shall locate or change the location of its buildings without the previous consent of the Bishop and Standing Committee.

## Canon XX – The Vestry

- Sec. 20.01** Each congregation may determine for itself the number of Vestry members, PROVIDED, that they shall not be less than five (5) nor more than fifteen (15), all of whom, excepting the Rector, who shall be a member, and Presiding Officer thereof, ex officio, shall be Lay Persons, qualified to vote in the congregation meetings and that such Lay Persons shall be confirmed adult communicants in good standing whose names have been on the Treasurer's books as contributors of record for at least three (3) months prior to the election. Each congregation shall provide for the rotation in office of the Vestry members, in such manner that at least one (1) new member shall be chosen each year and that no Vestry member shall be eligible for immediate reelection. Interim vacancies may be filled until the next succeeding election by the Vestry; provided, that such interim appointee shall be eligible for immediate election by the congregation. The term of office for a member of the Vestry shall not exceed three (3) years.
- Sec. 20.02** As soon as practicable after the annual congregation meeting, the Vestry shall meet for organization. From its members the Rector shall appoint a Senior Warden and the Vestry shall elect a Junior Warden. If there be a vacancy in the rectorship, both Wardens shall be elected. The Rector shall preside at all Vestry and congregation meetings, but if he be absent or unable to act, the Senior Warden, or in case of his disability, the Junior Warden shall preside. No meetings of the Vestry shall be valid unless the Rector or one of the Wardens be present.
- Sec. 20.03** The Vestry shall elect annually a Clerk and Treasurer who shall serve until their successors are chosen, and if not Vestry members, they shall have seats without votes at the Vestry meetings. Their election shall take place at the Vestry organizational meeting held after the annual congregation meeting. A vacancy in the office of Clerk or Treasurer shall be filled for the unexpired term by the Vestry.
- Sec. 20.04** The Treasurer of each congregation shall be bonded for the faithful discharge of his duties. He shall make such reports as these Canons or resolutions of the Vestry shall require. At the close of the year all accounts of the congregation shall be audited as permitted by the Finance Committee of the Diocese. A complete copy of the audit shall be forwarded to the Ecclesiastical Authority of the Diocese before September 1st of the next year. When a treasurer or other person managing congregation money leaves office, accounts under their previous responsibility shall be audited using one of the prescribed methods.
- Sec. 20.05** The Vestry shall fix and hold at least ten (10) stated monthly meetings annually. Special meetings may be called by the Rector, or in his absence or inability to act, by the Senior Warden, upon written request of two (2) other members. To constitute a quorum there must be present either: the Rector and at least a majority

of the Wardens and Vestry members or one (1) Warden and one more than a majority of Vestry members.

**Sec. 20.06** If a congregation is incorporated, the Vestry shall be the Directors, or other officers authorized by law to manage the affairs of the Corporation.

**Sec. 20.07** It shall be the duty of the Vestry to prepare a tentative budget of its proposed expenditures for the coming year and to have a continuing Stewardship Program to take care of the same. The Vestry shall adopt an operating budget for the coming year that does not exceed the expected income and other unrestricted funds of the congregation.

**Sec. 20.08** No congregation shall incur any indebtedness for current expenses in excess of the amount required to balance the total operating budget for the current year. Any indebtedness for current expenses unpaid at the close of the fiscal year shall be written into the budget for the succeeding twelve (12) months.

**Sec. 20.09** (a) No congregation shall incur any indebtedness for permanent improvements or for acquisition of property in excess of 150 percent of its average annual income for the three (3) years past without the written approval of the Bishop with the advice and consent of the Standing Committee.

(b) No congregation shall purchase or otherwise acquire, or financially participate in the purchase or acquisition of, a rectory or other property intended to be used as a residence, without the written approval of the Bishop, with the advice and consent of the Standing Committee.

### **Canon XXI – Congregation Records and Reports**

**Sec. 21.01** In addition to the Register required by the Canons, there shall be kept in every congregation a record of all services held in the congregation. It shall be the duty of the Vestry to provide suitable books for all congregation records, and in the absence of the Rector or his inability to act, it shall be the duty of the Wardens to see that the Register and Record of Services are properly kept.

**Sec. 21.02** The Register, Record of Services, and the books of the Clerk and Treasurer shall be open at all times to the inspection of the Rector, the Vestry, and the Ecclesiastical Authority.

**Sec. 21.03** On or before the first day of March of each year, each congregation shall file with the Bishop of the Diocese an Annual Report in such form as may be prescribed by the Provincial Council, reflecting the status and growth of the

congregation in terms of average Sunday attendance (ASA), tithes and offerings, baptisms, confirmations and receptions, marriages, burials, and other important categories of information concerning the preceding calendar year, including new initiatives for mission and ministry. Timely preparation of said Annual Report and subsequent delivery to the Diocesan office shall be the joint responsibility of the Rector and the Vestry or the Clergy-in-Charge of the congregation, together with the Vestry.

## **Canon XXII – Lay Ministry**

**Sec. 22.01** Lay Ministers will be licensed in the Anglican Diocese of San Joaquin in accordance with the Canons of this Diocese and the Constitution and Canons of the Anglican Province of North America.

**Sec. 22.02** (a) A Pastoral Leader is a Lay Person licensed to exercise pastoral or administrative responsibility in a congregation under special circumstances and may be licensed to lead regularly the Offices authorized by the Book of Common Prayer. Prior to licensing, a Pastoral Leader shall be trained, examined, and found competent in the following subjects:

- (1) The Holy Scriptures, contents and background;
- (2) The Book of Common Prayer and the Hymnal;
- (3) The conduct of public worship;
- (4) Use of the voice;
- (5) Church History;
- (6) The Church's Doctrine as set forth in the Creeds and the Catechism;
- (7) Church Administration;
- (8) Appropriate Canons;
- (9) Pastoral Care.

(b) A Pastoral Leader shall not be licensed if, in the judgment of the Bishop or Ecclesiastical Authority, the congregation is able to and has had reasonable opportunity to secure a resident Member of the Clergy in charge.

**Sec. 22.03** (a) A Lay Preacher is a person licensed to preach. Prior to licensing, the Lay Preacher shall be trained, examined, and found competent in the following subjects:

- (1) The Holy Scriptures, contents and background
- (2) The Book of Common Prayer and The Hymnal
- (3) The conduct of public worship
- (4) Use of the voice
- (5) Church History
- (6) Christian Ethics and Moral Theology
- (7) The Church's Doctrine as set forth in the Creeds and the Catechism
- (8) Appropriate Canons
- (9) Pastoral Care
- (10) Homiletics

(b) Persons so licensed shall only preach in congregations upon the initiative and under the supervision of the Member of the Clergy in charge.

**Sec. 22.04** (a) A Lay Eucharistic Minister is a person licensed to this extraordinary ministry. The Lay Eucharistic Minister shall have one or both of the following functions, as specified in the license:

- (1) Administering the elements at any Celebration of Holy Eucharist in the absence of a sufficient number of Priests or Deacons assisting the celebrant;
- (2) Directly following a Celebration of the Holy Eucharist on Sunday or other Principal Celebrations, taking the Sacrament consecrated at the Celebration to members of the congregation who, by reason of illness or infirmity, were unable to be present at the Celebration.

(b) Qualifications, requirements, and guidelines for the selection, training, and use of Lay Eucharistic Ministers shall be established by the Bishop.

(c) This ministry is not to take the place of the ministry of Priests and Deacons in the exercise of their office, including regular visitation of members unable to attend the Celebration of the Holy Eucharist. A Lay Eucharistic Minister should normally be under the direction of a Deacon of the Congregation, if there be one.

**Sec. 22.05** A Catechist is a person licensed to prepare persons for Baptism, Confirmation, Reception, and the Reaffirmation of Baptismal Vows. Prior to licensing, Catechists shall be trained, examined and found competent in the following subjects:

- (1) The Holy Scriptures, contents and background

- (2) The Book of Common Prayer and The Hymnal
- (3) Church History
- (4) The Church's Doctrine as set forth in the Creeds and the Catechism Methods of Catechesis

**Sec. 22.06** A Lay Reader is a person who regularly leads public worship under the direction of a Member of the Clergy in charge of the Congregation. Training and licensing shall be under the authority of the Bishop for those persons recommended by the Member of the Clergy in charge of the Congregation, as provided by the Canons of the Diocese.

**Sec. 22.07** A Lector is a person trained in reading of the Word and appointed without license by the Clergy-in-Charge of the congregation to read lessons or lead the Prayers of the People.

## **TITLE IV – Finances of the Diocese**

### **Canon XXIII –Anglican Diocese Holding Corporation (ADHC)**

**Sec. 23.01** The title to trust funds and real estate acquired by gift or purchase for the use of the Anglican Diocese of San Joaquin shall be vested in the Anglican Diocese Holding Corporation, in trust for such purposes as are specified in the deed or are otherwise made a matter of record.

**Sec. 23.02** Whenever any congregation, for any reason, ceases to exist, the property held in trust for said congregation by the ADHC, shall become the property of the Diocese and shall be administered as such except in so far as its administration is affected by specific provisions which are of record.

**Sec. 23.03** No real estate or other property held by the ADHC shall be encumbered or alienated save with the consent of two-thirds of the Standing Committee.

**Sec. 23.04** The Bishop shall present to each Annual Convention a report of the transactions of the ADHC since the last meeting of the Annual Convention; which report shall contain an account of each fund in his possession together with a list of the securities in which the funds are invested, a list and description of all real property acquired and disposed of and all other information which will show the true condition of the property held in trust.

**Sec. 23.05** No ownership or proprietary interest in any real or personal property in which title and/or ownership is held by the ADHC shall be imputed to any party (including a trust, express or implied) without the express written consent of the Bishop and the Standing Committee of the Diocese.

**Sec. 23.06** Diocese, Subsidiaries, and Related Entities Organized and Operated Exclusively for Religious Purposes (IRC§501(c)(3). .....

(a) This Diocese, and its subsidiaries and related entities are organized and operated exclusively for religious purposes within the meaning of Internal Revenue Code Section 501(c)(3).

(b) No substantial part of the activities of this Diocese, or its subsidiaries and related entities, shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and neither the Diocese, nor its subsidiaries and related entities, shall participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

(c) The property of this Diocese or any of its subsidiaries or related entities is irrevocably dedicated to religious purposes and no part of the net income or assets of this Diocese or any of its subsidiaries or related entities shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of this Diocese or any of its subsidiaries or related entities, its assets remaining after payment, or provision for payment, of all debts and liabilities of the Diocese or any of its subsidiaries or related entities shall be distributed to a non-profit fund, foundation or corporation which is organized and operated exclusively for religious purposes and which has established its tax exempt status under Internal Revenue Code Section 501(c) (3).

### **Canon XXIV – Diocesan Endowment Funds**

**Sec. 24.01** Endowment Funds of the Diocese shall be administered by the Standing Committee.

### **Canon XXV – The Bishop’s Discretionary Fund**

**Sec. 25.01** At every service of Confirmation in the Diocese, and at the principal service conducted during the occasion of an official visit by a Bishop to a congregation, an offering may be taken and remitted to the Treasurer of the Diocese for the use of the Bishop at his discretion for the work of the Church, known as the Bishop's Fund, or Bishop's Discretionary Fund.

**Sec. 25.02** Other gifts and donations may be sent to the Treasurer of the Diocese for the use of the Bishop through the Bishop's Fund.

### **Canon XXVI – Diocesan Budget**

**Sec. 26.01** Tithes shall be used for the support of the budget recommended by the Standing Committee and adopted by the Diocesan Convention.

**Sec. 26.02** The monthly tithe payment for each congregation shall be based on the previous month's income for operations. Income for operations includes plate offerings, pledge payments, regular support, funds available for operations from investments, other operating income, and unrestricted bequests used for operating.

**Sec. 26.03** Each congregation will send to the diocesan office a monthly report listing the Sunday attendance, giving figures, and any other operating income.

**Sec. 26.04** Each congregation shall pay to the Treasurer of the Diocese its tithe for a given month on or before the 10th day of the following month.

**Sec. 26.05** The bishop of the diocese shall have the liberty to organize the staff of the Bishop's Office as needed, not to exceed the total dollar amount provided for in the diocesan budget listed for the Episcopacy and Diocesan Administration.

### **Canon XXVII – Diocesan Insurance**

**Sec. 27.01** All churches and other buildings, together with their contents, belonging to the Anglican Diocese of San Joaquin shall be insured for full replacement cost.

## **TITLE V – The Clergy**

### **Canon XXVIII – Of Deacons and Their Ordination**

**Sec. 28.01** Concerning discernment/formation

(a) Individuals may be admitted to the discernment/formation process upon the written evaluation and recommendation of their Rector and lay representatives of their congregation and acceptance of the Bishop. Upon acceptance into the discernment/formation process the individual, now called a Postulant, will complete a course of study and pastoral development as directed by the Commission on Ministry, in consultation with the Bishop.

(b) The individual shall submit all forms, evaluations, and examinations that may be required.

(c) The individual shall pass a satisfactory examination conducted by those appointed by the Bishop for this purpose, and shall demonstrate sufficient knowledge of Holy Scripture; the Doctrine, Discipline, and Worship of this Church; and any other topics the Bishop shall deem necessary for the office and ministry of Deacons.

(d) The Bishop may, in consultation with the Commission on Ministry, promulgate such requirements and guidelines, as he deems necessary and appropriate to implement an effective, orderly, and efficient discernment and formation process.

**Sec. 28.02** Concerning the Required Declaration of Ordinands

No one shall be ordained a Deacon in the Church until such person shall have subscribed without reservation to the following declaration:

*“I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God and to contain all things necessary to salvation, and I consequently hold myself bound to conform my life and ministry thereto, and I do solemnly engage to conform to the Doctrine, Discipline and Worship of Christ as this Church has received them.”*

**Canon XXIX – Of Presbyters and Their Ordination**

**Sec. 29.01** Concerning Ordination Following Period of Diaconate

(a) The individual must be male and must have been ordained a Deacon in this church to be eligible to be ordained a Presbyter.

(b) The individual must serve as an ordained Deacon in this Church for at least one year prior to being ordained Presbyter, unless the Bishop having jurisdiction shall find good cause for the contrary, so that the Deacon’s manner of life and ministry may be tested and observed before admission to the order of Presbyter.

**Sec. 29.02** Concerning Prerequisites for Ordination

No man shall be ordained a Presbyter in this Church until he shall have passed a satisfactory examination conducted by those appointed by the Bishop for this purpose, and shall have demonstrated sufficient knowledge of Holy Scripture and the Doctrine, Discipline, and Worship of this Church by examination in the following subjects, and any other qualities that the Bishop deems necessary for the office of

Presbyter:

- (1) *Holy Scripture*: the Bible, its contents and historical background and interpretive methods;
- (2) *Church History*;
- (3) *Anglican Church History*;
- (4) *Doctrine*: the Church's teaching set forth in the Creeds and the Offices of Instruction;
- (5) *Liturgics*: The contents and use of the Book of Common Prayer, and knowledge of the proper use of church music;
- (6) *Moral Theology and Ethics*;
- (7) *Ascetical Theology*: with an emphasis on the prayer life and spirituality of the minister, including the use of the Daily Office;
- (8) *Practical Theology*: The office and work of a Presbyter; the conduct of public worship; principles of sermon composition and delivery; principles and methods of Christian education in the congregation; Constitution and Canons of this Church and the Diocese to which the candidate belongs; and the use of the voice in reading and speaking;
- (9) *The Missionary Work of the Church*: How the Gospel has been passed from one language, tribe and nation to another; basic principles of cross-cultural communication; mission strategies; and personal relational evangelism and apologetics.

**Sec. 29.03**            Concerning the Required Declaration of Ordinands

No Deacon shall be ordained a Presbyter in the Church until he shall have subscribed to the following declaration:

*“I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God and to contain all things necessary to salvation, and I consequently hold myself bound to conform my life and ministry thereto, and I do solemnly engage to conform to the Doctrine, Discipline and Worship of Christ as this Church has received them.”*

**Sec. 29.04**            Concerning other requirements

Under the Bishop's oversight, Commission on Ministry may provide additional requirements for vocational discernment, formation, education and ordination, as needed.

## **Canon XXX – Of Those Ordained in Another Church**

- Sec. 30.01** When ministers who have been serving in, or pastoring a Christian ministry for at least three years, and who have been ordained in a Jurisdiction not in Communion with this Church, desire to be a Deacon or Presbyter in this Church, they shall apply to a Bishop of this Church, for Reception, Ordination, or Conditional Ordination.
- Sec. 30.02** The Applicant shall become canonically resident in the diocese by either being received or confirmed into this Church. The bishop may assign a mentor to the applicant to assist in the applicant's instruction and introduction to this Church and this Diocese.
- Sec. 30.03** The Applicant shall submit to a background investigation, medical examination, and psychological examination.
- Sec. 30.04** Supplemental studies in Anglicanism, and any other areas as needed for ministry in this Church will be assigned. This supplemental training shall include Sexual Misconduct Prevention Training, and familiarization with the Constitution and Canons of ACNA and this Diocese.
- Sec. 30.05** The applicant shall be examined on subject areas of Canon 34.02, as well as on the points of Doctrine, Discipline, Polity, and Worship in which the Jurisdiction from which the applicant has come differs from this Church, and any other subject which the Bishop deems necessary and appropriate.
- Sec. 30.06** Being satisfied of the Applicant's soundness of faith, theological qualifications, the appointment to a Cure, and upon successful completion of the examination specified in Canon 35.05, the Bishop may, with the recommendation of the Commission on Ministry and with the advice and consent of Standing Committee:
- (1) Receive the person into this Church in the Orders to which already ordained by a Bishop in the Historic Succession; or
  - (2) Ordain the person as a Deacon, and no sooner than four months thereafter, ordain the person a Presbyter. If necessary, the Bishop may conditionally ordain the person to either or both orders, if the applicant was ordained by a Bishop whose authority to convey such orders has not been recognized by this Church.
- Sec. 30.07** Before being received or ordained, the person shall sign the Oath of Conformity.

**Sec. 30.08** The priest or deacon shall be mentored by another priest or deacon for one year following ordination or reception into this Church.

### **Canon XXXI – Of the Conduct of the Clergy**

**Sec. 31.01** All members of the clergy of this Diocese shall be under the obligation to model in their own lives the received teaching of the Church, and specifically that all clergy are to abstain from sexual relations outside of Holy Matrimony.

**Sec. 31.02** Sacrament of Confession

(a) Only a bishop or priest is authorized to act as minister of the sacrament of confession.

(b) The sacramental seal of confession is inviolable. There are never any circumstances whatsoever in which communications between a penitent and a confessor, made under the sacramental seal, may be disclosed by the confessor in any manner, directly or indirectly, to any third party, not even to a third party that purports to act under ecclesiastical or legal authority.

(c) A confessor is completely prohibited from using knowledge acquired during confession to the detriment of the penitent, even when any possibility of revelation is excluded. A person who has been placed in authority cannot use knowledge about sins which he has received in confession in any manner for external governance.

**Sec. 31.03** Sacrament of Marriage

(a) The Sacrament of Holy Matrimony is a lifelong covenant between a man and a woman in which the two become one flesh. It is both an ordinance of Creation, affirmed as such by our Lord, and also a sign of the mystical union between Christ and His Church, as commended by Saint Paul.

(b) All members of the clergy of this Diocese are prohibited from solemnizing or blessing any union or intimate personal relationship other than between one man and one woman in Holy Matrimony

(c) No church facility may be used to solemnize, bless, or celebrate any union or intimate personal relationship other than Holy Matrimony between one man and one woman.

(d) All members of the clergy of this Diocese may refuse to solemnize the marriage of any couple for any reason.

## Canon XXXII – Of Annual Reporting Requirements

- Sec. 32.01** Every Presbyter or Deacon whose ministry report is not included in an Annual (Parochial) Report shall also report on the exercise of his office, and if there has been none, the causes or reasons which have prevented the same. These reports, or such parts of them as the Bishop may deem proper, shall be entered in the Journal.
- Sec. 32.02** Any Deacon or Priest who has entered or plans to enter non-ecclesiastical employment without renouncing the exercise of the office of Deacon or Priest shall make this desire known to the Bishop of the Diocese, Network, or Cluster in which the Deacon or Priest is canonically resident. The Deacon or Priest shall demonstrate to the Bishop that reasonable opportunities for the exercise of the person's office exist and that good use will be made of such opportunities. After having determined that the person will have and use opportunities for the exercise of the office to which he or she was ordained, the Bishop may approve the person's continued exercise of the office on condition that the Deacon or Priest report annually in writing, in a manner prescribed by the Bishop.
- Sec. 32.03** Any Deacon or Priest who has entered or plans to enter non-ecclesiastical employment without continuing to exercise the office to which ordained must comply with the requirements for renunciation.
- Sec. 32.04** Whenever a Member of the Clergy of this Church shall have been absent from the Diocese for a period of more than two years, and shall have failed to make the annual report, and whose whereabouts are unknown or who is a Member of the Clergy in secular employment, the Bishop may send the name of such Member of the Clergy to the Secretary of the College of Bishops (or Province), who shall keep a list of such Clergy, noting in each instance the date when each such name was added to the List.

## Canon XXXIII – Ecclesiastical Discipline

- Sec. 33.01** The forms and methods of Ecclesiastical Discipline in the Anglican Diocese of San Joaquin shall follow the provisions set forth in Title IV of the Canons of the Anglican Church in North America.
- Sec. 33.02** There shall be an Ecclesiastical Trial Court consisting of four (4) priests or deacons and three (3) adult lay communicants in good standing. The term of office for the clerical members shall be four (4) years. The term of office for the adult lay members shall be three (3) years. At each meeting of the annual Convention there shall be elected one (1) clergy and one (1) lay communicant in good standing. The Court shall elect a presiding judge and appoint a recorder of proceedings.

- Sec. 33.03** The Ecclesiastical Court shall adopt procedures that acknowledge the presumption of innocence of the accused and the right to representation by counsel. The procedures shall be consistent with principles of fairness, due process and natural justice and shall require expeditious handling. The standard of proof shall be by clear and convincing evidence. The affirmative vote of not fewer than a majority of the members of the Court shall be required for any determination by the Court.
- Sec. 33.04** Vacancies other than by challenge shall be filled by appointment by the Ecclesiastical Authority with consent of a majority of the Standing Committee.
- Sec. 33.05** Members of the Ecclesiastical Trial Court may be challenged by either the accused or the church advocate for cause. The method of challenge shall be in written form, addressed to the presiding judge of the Ecclesiastical Court.
- Sec. 33.06** Vacancies arising from challenges as to the members of the Ecclesiastical Court shall be filled by random draw from the members of the Standing Committee: Clergy names for a clergy vacancy and lay names for a lay vacancy.

## **TITLE VI – Other Diocesan Institutions and Corporations**

### **Canon XXXIV – Diocesan Institutions and Corporations not Governed by the Canons of Title III**

- Sec. 34.01** Any institution, society, or corporation, which is not governed by the Canons of Title III, that desires to represent itself to be an institution of the Anglican Diocese of San Joaquin, shall apply to the Bishop for recognition as an affiliated organization. The Bishop, in consultation with the Standing Committee and the Chancellor, has sole and exclusive discretion to grant or deny such requests. The Bishop, in consultation with the Standing Committee and the Chancellor, may promulgate such guidelines and requirements he deems necessary to implement an effective, orderly, and efficient process for implementing this Canon.

## **TITLE VII – The Province**

### **Canon XXXV – Constituent Member of the ACNA**

- Sec. 35.01** The Anglican Diocese of San Joaquin is a constituent member of the Province of the Anglican Church in North America.

## Title VIII – Amendments

### Canon XXXVI – Requirements and Procedures for Amending These Canons

- Sec. 36.01** Proposed amendments to the Canons must be submitted to the Chairman of the Committee on Constitution and Canons no later than sixty (60) days before the Annual Convention. The Chairman of said Committee shall send a summary of the proposed changes together with the Committee action on these proposals to each congregation at least thirty (30) days before the Annual Convention; provided, however, the foregoing requirements may be dispensed with by a three-fourths vote of the members of Convention present, voting by orders.
- Sec. 36.02** Proposed amendments to the Canons shall be reported on by the Chairman of the Committee on Constitution and Canons; provided, however, the foregoing requirements may be dispensed with by a three-fourths vote of the members of the Convention present, voting by orders.